

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

MONDAY, THE 29TH OCTOBER 2007 / 7TH KARTHIKA 1929

WP(C).No. 30964 of 2007(J)

PETITIONER:

K.J. SAJEEVAN, S/O. JOHN,
KALLOLIL HOUSE, ARATTUTHARA P.O., MANANTHAVADY,
WAYANAD.

BY ADV. SRI.LALJI P.THOMAS

RESPONDENTS:

1. STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY,
SECRETARIAT, THIRUVANANTHAPURAM.
2. FOREST RANGE OFFICER,
KALPETTA, WAYANAD.

BY GOVT. PLEADER SRI. BENJAMIN PAUL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 29/10/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

ANTONY DOMINIC, J.

W.P.(C). NO. 30964 OF 2007

Dated this the 29th day of October, 2007

J U D G M E N T

Petitioner is aggrieved by the seizure of Maruti Van bearing Registration No.KL-12/C-2733 belonging to him. This writ petition has been filed seeking a direction to the 2nd respondent to release the petitioner's vehicle. Petitioner submits that there was absolutely no reason to have seized the vehicle as it was not involved in any offence under the Forest Act, is to be proceeded against by the 2nd respondent.

2. As at present, I see no reason to find that the vehicle could have been seized without any justification. Therefore, I am not prepared to order an unconditional release without in any manner protecting the interest of the respondents causing prejudice to the proceeding, if any, that are pending against the vehicle. However, I am inclined to direct the release of the vehicle which is in the custody of 2nd respondent, subject to the following conditions:

(i) The 2nd respondent shall get the value of the vehicle assessed by a competent person of the Department of Motor Vehicles, as expeditiously as possible, at any rate, within two weeks

from the date of receipt of a copy of this judgment.

(ii) On receipt of value as above, if the petitioner furnishes Bank Guarantee to the satisfaction of the 2nd respondent, the vehicle shall be released to the petitioner with an undertaking that the same will be produced as and when called for.

The writ petition is disposed of as above.

ANTONY DOMINIC, JUDGE

vps

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